



House of Representatives

General Assembly

File No. 393

January Session, 2013

Substitute House Bill No. 5113

House of Representatives, April 8, 2013

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING POOL SAFETY AT PUBLIC SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) As used in this
2 section, "school swimming pool" means an artificial basin constructed
3 of concrete, steel, fiberglass or other relatively impervious material that
4 is provided with a controlled water supply and is approved by a local
5 or regional board of education for student aquatic activities, including,
6 but not limited to, swimming recreation, instruction, practice and
7 competition.

8 (b) No person shall act as a swimming coach, instructor or teacher at
9 a school swimming pool unless such person (1) is certified as a
10 lifeguard or water safety instructor by the American Red Cross, the
11 Young Men's Christian Association or another nationally recognized
12 organization that conducts aquatic training programs, (2) is certified in
13 cardiopulmonary resuscitation, pursuant to section 19a-113a-1 of the
14 regulations of Connecticut state agencies, as amended from time to

15 time, and (3) has completed a course in first aid and on the use of an
16 automatic external defibrillator offered by the American Red Cross, the
17 American Heart Association, the Department of Public Health or any
18 director of health, as certified by the agency or director of health
19 offering the course.

20 (c) Whenever a school swimming pool is used by one or more
21 students for aquatic activities, including, but not limited to, swimming
22 recreation, instruction, lessons or competition, there shall be at least
23 one person present, in addition to any swimming coach, instructor,
24 teacher or other person conducting or supervising such aquatic
25 activities, whose primary responsibility is to monitor such school
26 swimming pool for swimmers who are in distress. Such person shall
27 (1) be certified as a lifeguard by the American Red Cross, the Young
28 Men's Christian Association or another nationally recognized
29 organization that conducts aquatic training programs, (2) be certified
30 in cardiopulmonary resuscitation, pursuant to section 19a-113a-1 of the
31 regulations of Connecticut state agencies, as amended from time to
32 time, and (3) have completed a course in first aid and on the use of an
33 automatic external defibrillator offered by the American Red Cross, the
34 American Heart Association, the Department of Public Health or any
35 director of health, as certified by the agency or director of health
36 offering the course. The provisions of this subsection shall not apply to
37 swimming practices at which there is present at least one swimming
38 coach or other person who has completed the certifications and
39 courses described in subsection (b) of this section.

40 (d) Each local or regional board of education that allows student
41 aquatic activities at a school swimming pool shall, not later than July 1,
42 2014, develop a pool safety plan that ensures compliance with this
43 section and includes any other provisions deemed necessary and
44 appropriate for ensuring the safety of students who use such school
45 swimming pool for aquatic activities. Such pool safety plan shall be
46 reviewed and updated as necessary prior to the commencement of
47 each school year.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2013</i>	New section
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PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 14 \$	FY 15 \$
Various Local and Regional School Districts	STATE MANDATE - Cost	Potential Minimal	Potential Minimal

Explanation

The bill could result in a potential minimal cost to various local and regional school districts associated with requiring at least one certified person, in addition to the instructor, to be present in a school's swimming pool when students are participating in aquatic activities. It is anticipated that the cost of employing a lifeguard ranges from \$10-\$25 per hour, depending on the location and situation. The bill does not require that local and regional school districts hire a second person to be present in the swimming pool, so it is possible that volunteer life guards could also be used, which would result in no cost to the district. Also, for a district with no school-operated swimming pools, the bill results in no cost.

It is unknown how many hours the additional lifeguard would be hired, but assuming an average rate of \$17.50 per hour, the district could employ the lifeguard for 500 hours, which would result in a cost of \$8,750 to the district. It is unknown how many pools are operated by local and regional school districts, statewide.

The bill also establishes qualifications that a school's swim coach, teacher, or instructor must meet, and requires the school to develop a

pool safety plan. These additional requirements are not anticipated to result in an additional cost to the district, as they are procedural in nature.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the hourly rate of lifeguards and the number of hours they are needed.

OLR Bill Analysis**sHB 5113*****AN ACT CONCERNING POOL SAFETY AT PUBLIC SCHOOLS.*****SUMMARY:**

This bill (1) establishes qualifications that a school's swimming teacher, coach, or instructor must meet and (2) with one exception, requires that when a student is using a school pool for aquatic activities, at least one person must be present, besides the instructor, whose primary responsibility is to monitor the pool for swimmers in distress.

The bill requires local and regional school boards that allow aquatic activities to develop, by July 1, 2014, pool safety plans that ensure compliance with the bill and review and update them as necessary before the start of each school year. The plan must also include any other provisions deemed necessary and appropriate for ensuring the safety of students who use school pools for aquatic activities.

EFFECTIVE DATE: October 1, 2013

Qualifications for Swimming Coaches

The bill requires anyone acting as a swimming coach, teacher, or instructor at a school pool to be:

1. certified as a lifeguard or water safety instructor by the American Red Cross, the Young Men's Christian Association (YMCA), or another nationally recognized organization that conducts aquatic training programs;
2. certified in cardiopulmonary resuscitation (CPR) by the American Heart Association or American Red Cross; and

3. complete a first aid course on the use of an automatic external defibrillator (AED) offered by the American Red Cross, the American Heart Association, the Department of Public Health, or any health director, as certified by the agency or health director offering the course.

Supervision

The bill requires that whenever a school pool is used by one or more students for aquatic activities, there must be at least one person present, besides the swimming coach, instructor, teacher, or other person conducting or supervising the activities, whose primary responsibility is to monitor the school swimming pool for swimmers in distress. The person must be certified as a lifeguard by the American Red Cross, YMCA, or other nationally recognized organization that conducts aquatic training programs. He or she must also be certified in CPR and complete a first aid course in the use of AEDs, just like instructors, teachers, and coaches. This provision does not apply to practices at which at least one swimming coach or other person is present who has completed the certifications and courses described above.

Under the bill, “aquatic activities” include swimming recreation, instruction, lessons, or competition.

School Swimming Pool

The bill defines a “school swimming pool” as an artificial basin constructed of concrete, steel, fiberglass, or other relatively impervious material provided with a controlled water supply and approved by an education board for student aquatic activities.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/19/2013)